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4372 7590 03/20/2008

AREN'T FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

EXAMINER

GERRITY, STEPHEN FRANCIS

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 03/20/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,717	02/01/2006	Roberto Conti	02334900314	8962

TITLE OF INVENTION: METHOD AND APPARATUS FOR MAKING PODS FOR PRODUCTS FOR INFUSION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	06/20/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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4372 7590 03/20/2008

ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

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10/566,717	02/01/2006	Roberto Conti	02334900314	8962

TITLE OF INVENTION: METHOD AND APPARATUS FOR MAKING PODS FOR PRODUCTS FOR INFUSION

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nonprovisional	NO	\$1440	\$300	\$0	\$1740	06/20/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
GERRITY, STEPHEN FRANCIS	3721	053-436000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).	2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
<input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.	1_____
<input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.	2_____
	3_____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are submitted:	4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)
<input type="checkbox"/> Issue Fee	<input type="checkbox"/> A check is enclosed.
<input type="checkbox"/> Publication Fee (No small entity discount permitted)	<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.
<input type="checkbox"/> Advance Order - # of Copies _____	<input type="checkbox"/> The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS; SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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4372	7590	03/20/2008		
EXAMINER				GERRITY, STEPHEN FRANCIS
ART UNIT		PAPER NUMBER		
3721				DATE MAILED: 03/20/2008

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No. 10/566,717	Applicant(s) CONTI, ROBERTO
	Examiner Stephen F. Gerrity	Art Unit 3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the amendment filed 23 January 2008.

2. The allowed claim(s) is/are 1,3-6,8-18 and 20-31.

3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of the:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. ____.

3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date ____.

(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1. Notice of References Cited (PTO-892)
- 2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 1/23/08
- 4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
- 5. Notice of Informal Patent Application
- 6. Interview Summary (PTO-413),
Paper No./Mail Date ____.
- 7. Examiner's Amendment/Comment
- 8. Examiner's Statement of Reasons for Allowance
- 9. Other ____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Murat Ozgu (applicant's representative) on 17 March 2008.
3. The application has been amended as follows:

In the claims:

Please amend the claims as follows:

1. (Currently Amended) A method for making pods of filter material containing products for infusion, the method comprises the following steps:

making at least one compressed disk of product, equivalent to a dose of the product, at respective dosing and forming stations, said step of making the disk comprising a step of tamping to compress the product within an impression by the use of a forming piston having a longitudinal axis by translating said forming piston along said axis and rotating a-respective said forming piston about said axis; and

forming the a pod with the compressed disk positioned inside the filter material, wherein the step of making the disk further comprises the sub-steps of:

depositing a dosesd dosing a quantity of the product in a-respective said impression while moving along a first defined path of the forming station; and

compressing the dose of product inside the impression by use of the forming piston while moving along a second defined path following the first path.

Claim 2 (Cancelled).

3. (Currently Amended) The method according to claim 1, wherein the pods comprise two pieces of filter material placed over each other and sealed and containing a dose of the product for infusion, the method further comprising the following steps:

feeding a first portion of filter material;

making the compressed disk of product, equivalent to a dose of the product, at said respective dosing and forming stations;

depositing the compressed disk on the first portion of filter material; and

associating a second portion of filter material with the first portion of filter material to encapsulate the compressed disk to form the pod.

4. (Previously Presented) The method according to claim 3, wherein the first and second portions of filter material are obtained from webs of the same filter material.

5. (Previously Presented) The method according to claim 3, wherein the first portion of filter material is obtained from a web fed in a straight line.

6. (Currently Amended) The method according to claim 3, wherein between the step of placing depositing the compressed disk and the associating step there is a further step of making in the second portion of filter material a counter-impression shaped to match the disk and designed to be placed over the disk.

Claim 7 (Cancelled).

8. (Previously Presented) The method according to claim 1, wherein between the dosing and compressing sub-steps there is a step of leveling off the dosed product inside the impression.

9. (Previously Presented) The method according to claim 1, wherein the first and second defined paths are arc-shaped and cover respective angles (α) and (β) following each other.

10. (Currently Amended) The method according to claim 3, wherein the depositing step is accomplished by allowing the compressed disk to drop out of a respective said impression by gravity onto the first portion of filter material.

11. (Currently Amended) The method according to claim 3, wherein the depositing step is accomplished by allowing the compressed disk of product to drop out of a respective said impression by gravity onto the first portion of filter material and said disk is held in place on the first portion of filter material by suction.

12. (Previously Presented) The method according to claim 3, wherein the step of associating the first and second portions of filter material is performed by heat sealing.

13. (Previously Presented) The method according to claim 3, wherein the associating step is followed by a step of cutting the first and second portions of filter material to form the pod.

14. (Currently Amended) An apparatus for making pods containing products for infusion, the pods each comprise two pieces of filter material placed over each other and sealed and containing a dose of the product for infusion; the apparatus comprising:

at least two independent stations for feeding ~~respective~~ first and second portions of filter material; ~~, the apparatus comprising:~~

a station for feeding the first portion of filter material in a feed direction;

~~at least one forming impression located on~~ means for forming a ~~respective~~ disk of the infusion product and releasing the disk onto the first portion of filter material;

a station for dosing individual doses of the product into said means for forming and releasing ~~at least one forming impression~~; and

a station for associating the first portion of filter material with the second portion of filter material to form the pod;

wherein the feed station for the first portion of filter material further comprises:

a first endless belt trained around a pair of sheaves and having a perforated or porous surface; and

means for creating a vacuum at least at a working section of the first belt which feeds the first portion of filter material and on which the product disk is deposited.

15. (Currently Amended) The apparatus according to claim 14, wherein downstream of the dosing station and means for forming and releasing, ~~station~~ in the feed direction, the apparatus further comprises a station for making a counter-impression in the second portion of filter material and placing the counter-impression over the product disk.

16. (Previously Presented) The apparatus according to claim 14, wherein the two stations for feeding the filter material unwind respective webs of the filter material.

17. (Previously Presented) The apparatus according to claim 14, wherein downstream of the associating station, the apparatus further comprises a station for cutting off the disk encapsulated in the two portions of filter material to form a pod.

18. (Currently Amended) The apparatus according to claim 17, further comprising a station for separating the pod from the waste material, which waste material is collected in a recovery station.

Claim 19 (Cancelled).

20. (Currently Amended) The apparatus according to claim 14, wherein the dosing station comprises a fixed hopper mounted to face a first revolving drum, forming part of the means for forming and releasing means; the hopper having an arc-shaped discharge portion to peripherally follow a passing surface of the first drum in such manner that the product is dosed in a predetermined area.

21. (Currently Amended) The apparatus according to claim 14, wherein the means for forming the disk comprises:

a first revolving drum equipped with a plurality of pistons arranged radially on the surface of the first drum and having each piston located in a hollow head designed to receive a dose of the product fed by the dosing station; and

radial drive means being provided between each piston and the first drum to act upon the pistons in such manner as to impart a plurality of synchronized movements to the pistons according to their angular positions on a circular path and so as to receive the product, compress the product to form the disk, detach and deposit the disk onto the first portion of filter material.

22. (Currently Amended) The apparatus according to claim 21, wherein the radial drive means comprises cam means including at least one guide cam profile stably associated with the interior of the drum and engaged by a cam follower roller for each piston; each cam follower roller being attached to the end of a respective connecting rod whose other end is associated with a control pin rotatably connected to the inside end of the cylinder hollow head of the piston so as to drive the piston radially in both directions according to the angular position of the piston on the circular path.

23. (Currently Amended) The apparatus according to ~~claims 21 and claim~~ 22, wherein the cam means causes each single piston to be positioned according to movements referenced to a relative position or angular section of the circular path and corresponding to:

a first arc-shaped path section where the piston is radially retracted towards the center of the first drum in such a way that the piston moves into a product dosing configuration when the piston reaches a point corresponding to a bottom dead center of the piston;

a second arc-shaped path section for dosing where the piston is initially at the bottom dead center, in such manner as to collect as much product as possible in the hollow head, and moves in a radial direction towards the outside of the first drum until the piston reaches the endpoint of the dosing station where there is a wall for leveling off the product accommodated in the impression hollow head; and

a third arc-shaped path section for tamping the disc, where the piston moves radially towards the outside of the first drum and against a stop wall corresponding to a

top dead center of the piston where the piston remains until the piston starts on a fourth arc-shaped path section where the piston moves back-up towards the center of the first drum in order to facilitate detachment of the disc from the impression hollow head just before reaching the point where the disc is released.

24. (Currently Amended) The apparatus according to claim 22, wherein the cam profile is divided into two arc-shaped sections, a fixed lower section and an adjustable upper section corresponding to a part of the path of the pistons comprising at least one area where the product is filled into the pistons hollow heads.

25. (Currently Amended) The apparatus according to claim 21, wherein each piston has a longitudinal axis, and the first drum is equipped with rotational drive means acting on each piston and designed to continuously revolve each piston about a corresponding said axis; the rotational drive means comprising a fixed ring gear mounted inside the first drum and meshed with corresponding gear wheels keyed to the respective cylinder hollow head of each piston so that the pistons revolve continuously as they move round the circular path, thus tamping the disk and preventing the disk from sticking inside the hollow head of the piston while enabling the disk to be detached completely when it is deposited on the first portion of filter material.

26. (Currently Amended) The apparatus according to claim 21, wherein further comprising arc-shaped walls located round the outer surface of the first drum, designed to permit the pistons to be pushed pushing the product against the impressions arc-shaped walls in a part of the circular path and in such a way as to co-operate with the pistons at least when the disk is formed and compressed.

27. (Currently Amended) The apparatus according to claim 21, wherein that the first portion of filter material is fed close to the first drum along an inclined path that partially and peripherally follows the surface of the first drum in an area close to where the disk is deposited on the first portion of filter material.

28. (Currently Amended) The apparatus according to claim 21, wherein downstream of the dosing station and the means for forming and releasing, stations in the feed direction, the apparatus further comprises a station for making a counter-impression in the second portion of filter material and placing the counter-impression over the product disk, and wherein the station for making the counter-impression on the second portion of filter material comprises a second drum presenting a plurality of recesses distributed uniformly on its outer surface to which the second portion of filter material is held by suction; one section of a second endless forming belt being located and operative on a portion of the surface of the second drum and being equipped with protrusions positioned and shaped to match the recesses as the latter move round, thus making a counter-impression on the second portion of filter material placed between the second drum and the second belt by pushing the second portion of filter material into the recesses.

29. (Previously Presented) The apparatus according to claim 28, wherein the associating station comprises a circular sealing element positioned under the second drum and designed to seal the first portion of filter material, with the disk thereon, to the second portion of filter material placed over the disk to form a succession of sealed pods.

30. (Currently Amended) The apparatus according to claim 17, wherein the cutoff cutting off station comprises a circular knife and a counter-knife positioned on opposite sides of a feed line of the first and second portions of filter material sealed to each other and forming a succession of pods.

31. (Currently Amended) A method for making pods of filter material containing products for infusion, the method comprises the following steps:

making at least one compressed disk of product, equivalent to a dose of the product, at respective dosing and forming stations, said step of making the disk comprising a step of tamping to compress the product within an impression by the use of a forming piston having a longitudinal axis by translating said forming piston along said axis and rotating a-respective said forming piston about said axis;

depositing the compressed disk on a first portion of the filter material; and

forming the pod with the compressed disk positioned inside the filter paper.

Explanation for Proposed Examiner's Amendment

4. The amendments to claims 1 and 31 are for the purpose of clarifying the step of making as including a piston and impression, and how the piston moves to perform the tamping to compress. It is considered necessary to define the movement of the piston as translating along the axis as well as rotating about the axis in order for the claim to define over the prior art, such as Romagnoli '294 and Lofman et al. which teach that the

piston translates and rotates (relative to the center of the drum). The additional amendments to claim 1 are for consistency in the terminology of the claim language.

The amendments to claims 3, 6, 10 and 11 are to improve and clarify the language of the claim so as to avoid confusion and inconsistency in terminology.

The amendments to claim 14 are to ensure that the reliance on means plus function language by the use of the limitation "means for forming a disk of the infusion product and releasing the disk onto the first portion of filter material" is clear and without the recitation of unwarranted structural limitations in the claim (i.e. at least one forming impression located on). The additional amendments to claim 14 are for consistency in the terminology of the claim language.

Claim 23 has been amended to correct improper multiple dependency.

The amendments to claims 15, 18, 20-28 and 30 are to improve and clarify the language of the claim so as to avoid confusion and inconsistency in terminology.

Information Disclosure Statement

5. Receipt is acknowledged of an Information Disclosure Statement, filed 23 January 2008, which has been placed of record in the file. An initialed, signed and dated copy of the PTO-1449 form is attached to this Office action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen F. Gerrity whose telephone number is 571-272-4460. The examiner can normally be reached on Monday - Friday from 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen F. Gerrity/
Primary Examiner
Art Unit 3721

17 March 2008